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December 16, 2019

**VIA E-MAIL**

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**Re: Response of HP Inc. to EPA's Supplemental Request for Information Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, § 9604(e), relating to the San German Groundwater Contamination Site, San German, Puerto Rico**

Dear Mr. Guzman and Mr. Bosque:

HP Inc. ("**HP**") is providing this response ("**Response**") to the U.S. EPA's Supplemental Request for Information Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("**CERCLA**"), pertaining to the San German Groundwater Contamination Site in San German Puerto Rico (the "**Site**") dated October 16, 2019 (the "**Supplemental Request**"). By email dated October 29, 2019, EPA granted HP an extension until December 16, 2019, to submit this Response. This Response supplements the responses submitted by HP to the EPA on November 9, 2015 and July 29, 2019 pertaining to the Site. This Response incorporates by reference information and documents previously submitted by HP to EPA pertaining to the PROTECO site in Puerto Rico, including HP's June 28, 2019 response (the "**June 28, 2019 Response**") and HP's September 3, 2019 response (the "**September 3, 2019 Response**"). The enclosed information is based on our

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada  
New Jersey New York North Carolina Pennsylvania South Carolina Texas Virginia Washington

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investigation to date under time constraints and may be supplemented at a later date. Due to the time constraints, this Response does not include references to documents from the Computer History Museum (“CHM”) that were provided to HP by the Department of Justice (“DOJ”) on October 24, 2019. Subject to the general and specific objections and reservations noted below, and without waiving these or other available objections, rights, defenses or privileges, HP is providing this Response.

### **GENERAL OBJECTIONS AND RESERVATIONS**

HP asserts the following general privileges, objections, and reservations with respect to the Supplemental Request. HP intends to cooperate with EPA in its investigation of this matter and will of course comply with any lawful requests that are within EPA’s authority. In the spirit of cooperation, HP is providing documents that may or may not be responsive to the Supplemental Request and is responding to questions that may be beyond EPA’s information gathering authority under CERCLA.

1. HP asserts all privileges and protections it has in regard to the documents and other information sought by EPA, including the attorney-client privilege, the attorney work product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, trade secret protections, and any other privilege or protections available to it under the law.
2. HP asserts that information provided in HP’s response is confidential information within the meaning of 40 C.F.R. Part 2, Subpart B. In accordance with the instructions provided by EPA in Attachment A, documents designated as confidential information are labeled as “CONFIDENTIAL” and segregated.
3. HP objects to Direction 1 in that it purports to require HP to identify information and documents not within the custody or control of HP.
4. HP objects to Direction 3 in that it purports to require HP to seek information from former employees and former agents that are not under HP’s control.
5. HP objects to Definition No. 2, which defines the term “Company” to mean “HP Inc. and its predecessors and successors, as they were or currently are named and constituted, and all subsidiaries, divisions, affiliates, and branches.” This definition is overly broad and requests information not reasonably likely to lead to responsive information, requests information about entities other than HP, and requests information about entities that no longer exist. HP has prepared this response on the basis that the Company means HP Inc. as it is currently constituted.
6. HP objects to Definition No. 6, which defines the term “Facility” or “Facilities” to mean the locations of the former Digital Equipment Corporation or Digital Equipment Corporation de



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Puerto Rico facilities located at Road 362 KM 1.0 in San German, Puerto Rico 00639 and the Retiro Industrial Park in San German, PR 00639. This definition includes locations that have no connection with the Site and requests information not reasonably likely to lead to responsive information. EPA's July 2019 Proposed Plan for the Site identifies two source properties for the Site both located in the Retiro Industrial Park, the Wallace lot and the CCL lot<sup>1</sup>. Therefore, HP objects to including within the definition of Facility locations other than the CCL lot and the Wallace lot. Specifically, HP objects to including within the definition of Facility, the facility operated by Digital Equipment Corporation de Puerto Rico on Road 362, which is located approximately 2 miles away from the Retiro Industrial Park.

7. HP objects generally to the Supplemental Request to the extent it is overbroad, unreasonable, unduly burdensome, or not authorized under CERCLA.

#### **RESPONSES TO SUPPLEMENTAL REQUEST FOR INFORMATION**

- 1. Please indicate whether Digital Equipment Corporation has ever operated at a location in Puerto Rico other than the Facilities. If yes, provide the correct names and addresses of Digital Equipment Corporation's other facilities where Digital Equipment Corporation carried out its operations. Provide the dates of operation of each other facility and describe the nature of each other facility's operation (e.g., manufacturing, storage, disposal, landfill).*

##### **Response:**

HP objects to this request on the basis that the question contains inaccurate information. The Facilities were operated by Digital Equipment Corporation de Puerto Rico and not Digital Equipment Corporation. HP has no personal knowledge of the historical operations of Digital Equipment Corporation in Puerto Rico. Based on a review of historical documents and the transcripts from the *Alvarado Morales v. Digital Equipment Corporation*, 669 F. Supp. 1173 (D.P.R. 1987) and 843 F. 2d 613 (1988), it appears that Digital Equipment Corporation maintained a sales office in or near San Juan, Puerto Rico, which may have been active from 1968 to 1983. See also the response to Question 6.

- 2. Indicate whether Digital Equipment Corporation de Puerto Rico has ever operated at a location in Puerto Rico other than the Facilities. If yes, provide the correct names and addresses of Digital Equipment Corporation de Puerto Rico's other facilities where*

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<sup>1</sup> The July 2019 Plan at pp. 4-5 states: "In July 2006, EPA conducted reconnaissance activities at 44 industrial sites in the San German area as part of a Site Discovery Initiative to identify hazardous waste sites that could be potential sources of contamination. ... Groundwater PCE and TCE plumes were identified during OU-1 evaluations in the saprolite zone originating in two source areas in Retiro Industrial Park ... Separate plumes of PCE and TCE originated at the Wallace and former CCL Label source areas, respectively, and then co-mingled as the contaminated groundwater moved down gradient toward the northwest."

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*Digital Equipment Corporation de Puerto Rico carried out its operations. Provide the dates of operation of each other facility and describe the nature of each other facility's operation (e.g., manufacturing, storage, disposal, landfill).*

**Response:**

HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico. According to the affidavit of Sam Landol, President of Digital Equipment Corporation de Puerto Rico, Digital Equipment Corporation de Puerto Rico operated a facility in Aguadilla, Puerto Rico. See, HP's June 28, 2019 Response, Ex. 38. The Aguadilla facility was sold in 1993. See, HP's June 28, 2019 Response, Ex. 58.

3. *Identify by building, lot, or project number each location within the Retiro Industrial Park where Digital Equipment Corporation ever operated or otherwise conducted business.*

**Response:**

HP has no personal knowledge of the historical operations of Digital Equipment Corporation in Puerto Rico. It is HP's understanding that Digital Equipment Corporation did not operate at any location within the Retiro Industrial Park. Rather, Digital Equipment Corporation de Puerto Rico conducted business at locations within the Retiro Industrial Park. See, **Ex. 1** and HP's June 28, 2019 Response, Question 6. Ex. 1 appears to be a figure depicting the lots where Digital Equipment Corporation de Puerto Rico conducted business within of the Retiro Industrial Park but the figure is not labeled or dated.

4. *Identify by building, lot, or project number each location within the Retiro Industrial Park where Digital Equipment Corporation de Puerto Rico ever operated or otherwise conducted business.*

**Response:**

HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico. See response to Question 3.

5. *Identify all subsidiaries of Digital Equipment Corporation that ever operated at a location in Puerto Rico.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation in Puerto Rico. Digital Equipment Corporation had various subsidiaries worldwide. Records previously provided to EPA indicate that Digital Equipment Corporation de



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Puerto Rico operated in Puerto Rico from approximately 1968 until 1993. See also, Ex. 44 to HP's June 28, 2019 response for a list of the subsidiaries of Digital Equipment Corporation at the time of its merger with Compaq.

6. *Indicate the approximate number of Puerto Rico-based employees employed by Digital Equipment Corporation in each year during the years 1968 through 1995.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation in Puerto Rico. Based on testimony in the *Morales* case, Digital Equipment Corporation maintained a sales office in or near San Juan, Puerto Rico for some period. Filings by Digital Equipment Corporation with the Puerto Rico Secretary of State also indicate that Digital Equipment Corporation maintained a sales office in or near San Juan, Puerto Rico. Digital Equipment Corporation filed annual reports with the Puerto Rico Secretary of State under the registration number of F2761 for a location with an address of P.O. Box 11038, Fdz Juncos Station, San Juan, Puerto Rico for the years of 1968 to 1983. Digital Equipment Corporation withdrew its authorization to conduct business in Puerto Rico on April 12, 1984. The filings with the Puerto Rico Secretary of State were included in HP's June 28, 2019 Response as Ex. 4. The 1984 withdrawal to conduct business in Puerto Rico was included in HP's June 28, 2019 Response as Ex. 50. HP has not located any information on the number of employees of Digital Equipment Corporation that were located at the San Juan sales office.

7. *Indicate the approximate number of Puerto Rico-based employees employed by Digital Equipment Corporation de Puerto Rico in each year during the years 1968 through 1995.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico. HP has not identified any documents or information that provide a year-by-year listing of the number of employees of Digital Equipment Corporation de Puerto Rico for the years of 1968 through 1995. In 1984, approximately 1800 employees were employed by Digital Equipment Corporation de Puerto Rico in San German. See, **Ex. 2.**

8. *Please explain in detail the nature of Digital Equipment Corporation's operations and business in Puerto Rico during the years 1968 through 1998.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation in

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Puerto Rico. See response to Question 6. Following the cessation of the operations of Digital Equipment Corporation de Puerto Rico in 1993, Digital Equipment Corporation honored its contractual indemnification obligations to DY-4 and PRIDCO and conducted an environmental investigation and clean-up at the Rt. 362 Facility under the direction of EQB and with input from EPA. See response to Question 45.

9. *Please explain in detail the nature of Digital Equipment Corporation de Puerto Rico's operations and business in Puerto Rico during the years 1968 through 1995.*

**Response:**

HP has no personal knowledge of the historical operation of Digital Equipment Corporation de Puerto Rico. Information on the nature of Digital Equipment Corporation de Puerto Rico's operations and business is included in HP's June 28, 2019 Response. Digital Equipment Corporation de Puerto Rico sold its operating facilities pursuant to a 1992 Agreement for the Purchase and Sale. The authorization of dissolution for Digital Equipment Corporation de Puerto Rico is dated 1993 (enclosed as Ex. 49 of HP's June 28, 2019 Response.) There is no indication of any operations or business of Digital Equipment Corporation de Puerto Rico after 1993. As a supplement to the information previously provided by HP to EPA, enclosed as **Ex. 3** is a drawing of Building 3 that may have been located in the Retiro Industrial Park. The drawing indicates Building 3 was used for administrative functions such as personnel offices, I.S., and engineering and quality control. We have also enclosed as **Ex. 4**, a Loss Prevention Report for a location in the Retiro Industrial Park that identifies the use of the property as a training center.

10. *Please explain in detail the nature of the operations and business conducted by Digital Equipment Corporation (Puerto Rico Branch) in Puerto Rico.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation in Puerto Rico. Based on a review of the filings with the Puerto Rico Secretary of State, it is HP's understanding that the Digital Equipment Corporation (Puerto Rico Branch) refers to the Digital Equipment Corporation sales office in or near San Juan, Puerto Rico. See also response to Question 6.

11. *Please explain the relationship between Digital Equipment Corporation and Digital Equipment Corporation (Puerto Rico Branch).*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation in Puerto Rico. See response to Question 10.



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*12. Please explain the relationship between Digital Equipment Corporation de Puerto Rico and Digital Equipment Corporation (Puerto Rico Branch).*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico or Digital Equipment Corporation Puerto Rico Branch. Digital Equipment Corporation de Puerto Rico was a direct or indirect subsidiary of Digital Equipment Corporation. See also response to Question 10.

*13. According to records filed at the Puerto Rico Secretary of State, Digital Equipment Caribbean, Inc. (Registration No. 6729F) was incorporated under the laws of Delaware on March 8, 1984 to take over the business, including the assets and liabilities, of the former Digital Equipment Corporation — Puerto Rico Branch. Please explain the circumstances surrounding Digital Equipment Caribbean, Inc.'s take-over of the former Digital Equipment Corporation — Puerto Rico Branch. Explain the relationship between Digital Equipment Caribbean, Inc. and Digital Equipment Corporation. Explain the relationship between Digital Equipment Caribbean, Inc. and Digital Equipment Corporation de Puerto Rico.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP further objects to this request as it refers to records that EPA has not provided to HP and of which HP has no knowledge. HP further objects to the characterization of documents in Question 13. Digital Equipment Caribbean, Inc. was a subsidiary of Digital Equipment Corporation. For some period, Digital Equipment Corporation de Puerto Rico was a subsidiary of Digital Equipment Caribbean, Inc.

*14. Indicate whether Digital Equipment Corporation de Puerto Rico was registered to do business in Massachusetts.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico. We have located no information or documents indicating that Digital Equipment Corporation de Puerto Rico was registered to do business in Massachusetts.

*15. Indicate whether Digital Equipment Corporation de Puerto Rico maintained an office in Maynard, Massachusetts.*

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**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico. We have located no information or documents indicating that Digital Equipment Corporation de Puerto Rico maintained an office in Maynard, Massachusetts.

16. *Indicate whether any employees, officers, or directors of Digital Equipment Corporation de Puerto Rico were primarily located in Maynard, Massachusetts, and provide the names and titles of these individuals.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico. We have located no information or documents indicating that any employees of Digital Equipment Corporation de Puerto Rico were primarily located in Maynard, Massachusetts. Some of the officers or directors of Digital Equipment Corporation de Puerto Rico were also officers or directors of Digital Equipment Corporation, such as Kenneth Olsen, and were located primarily in Maynard, Massachusetts. Information for certain years on the officers and directors of Digital Equipment Corporation de Puerto Rico and their addresses is included in Ex. 3 of HP's June 28, 2019 Response.

17. *Please provide personnel records (including but not limited to employment contracts, pay stubs, and separation agreements) for each of the individuals listed in Attachment C to this Information Request and indicate whether (i) they were employed by Digital Equipment Corporation; (ii) they were employed by Digital Equipment Corporation de Puerto Rico; and (iii) they were an officer or director of Digital Equipment Corporation and/or Digital Equipment Corporation de Puerto Rico.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has conducted a reasonably diligent search of the names listed in Attachment C to the Supplemental Request. However, without additional information, HP is unable to determine if it has any personnel records or any other information pertaining to these individuals. Individual names are not unique identifiers, i.e., there are many individuals named Joe Smith, and last names may change due to marriage, divorce and nicknames. If EPA can provide additional information on these individuals that is unique to these individuals, HP will supplement its search.

18. *Identify all meetings and communications which the officers, directors, or employees of Digital Equipment Corporation participated in or attended regarding the operations of*



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*the Facilities. Please provide any notes and records created as a result of such meetings and communications.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP further objects to this request because HP is not knowledgeable about the names of individuals who were officers, directors, or employees of Digital Equipment Corporation. In addition, HP has limited information on the names of the in-house counsel for Digital Equipment Corporation and therefore has a limited ability to identify documents that are privileged and confidential. As noted previously, HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico or Digital Equipment Corporation. Notwithstanding these limitations, HP has made a good-faith effort to provide potentially responsive information by submitting the documents enclosed as **Ex. 5**. HP reserves the right to identify communications that are privileged and confidential and to revise the information provided in this response. See, also the responses to Questions 19, 20, 21 and 22.

*19. Identify what, if any, reports, statements, or other documents the officers or directors of Digital Equipment Corporation wrote or received regarding the operations of the Facilities and describe what, if any, information the officers and directors received concerning the operations of the Facilities. Please provide copies of such reports, statements, or other documents.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP further objects to this request because HP is not knowledgeable about the names of individuals who were officers or directors of Digital Equipment Corporation. In addition, HP has limited information on the names of the in-house counsel for Digital Equipment Corporation and therefore has a limited ability to identify documents that are privileged and confidential. As noted previously, HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico or Digital Equipment Corporation. Notwithstanding these limitations, HP has made a good-faith effort to provide potentially responsive information by submitting the documents enclosed as **Ex. 6**. HP reserves the right to identify communications that are privileged and confidential and to revise the information provided in this response. See also, the responses to Questions 18, 20, 21 and 22.

*20. Identify any employees, officers, or directors of Digital Equipment Corporation who participated in discussions or other communications regarding any decision concerning the use, handling, storage, treatment, or disposal of hazardous substances, hazardous waste, or industrial waste at the Facilities, or any decision concerning environmental compliance at the Facilities.*

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**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP further objects to this request because HP is not knowledgeable about the names of individuals who were officers, directors, or employees of Digital Equipment Corporation. In addition, HP has limited information on the names of the in-house counsel for Digital Equipment Corporation and therefore has a limited ability to identify documents that are privileged and confidential. As noted previously, HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico or Digital Equipment Corporation. Notwithstanding these limitations, HP has made a good-faith effort to respond to this request. The following individuals may have been employees of Digital Equipment Corporation and may have sent or received written communications pertaining to Digital Equipment Corporation de Puerto Rico: Mike Amster, David Barrett, Bill Dixon, Kevin Donahue, Stephen Greene, Laura Goldin, Esq., Tom Huppuch, Esq., Gerry Kefalinos, Foster Knight, Esq., Cindy Lewis, Esq., Tom Mathias, Kim Nguyen, Jim Rogers, and Dan Wiederkehr. These communications may or may not have been regarding any decision concerning the use, handling, storage, treatment, or disposal of hazardous substances, hazardous waste, or industrial waste or concerning environmental compliance. HP reserves the right to identify communications that are privileged and confidential and to revise the information provided in this response. See also the responses to Questions 18, 19, 21, 22 and 57.

21. *State whether any officers or directors of Digital Equipment Corporation approved, authorized, discussed, or had knowledge or awareness of any waste treatment methods, equipment, or devices used at the Facilities, any storage of waste materials at the Facilities, or any arrangement to dispose of wastes from the Facilities. Describe the nature and extent of such approval, authorization, discussion, knowledge, or awareness.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP further objects to this request because HP is not knowledgeable about the names of individuals who were officers or directors of Digital Equipment Corporation. In addition, HP has limited information on the names of the in-house counsel for Digital Equipment Corporation and therefore has a limited ability to identify documents that are privileged and confidential. As noted previously, HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico or Digital Equipment Corporation. See response to Question 19 for documents received by officers of Digital Equipment Corporation. Based on our review of the enclosed documents, it does not appear that officers or directors of Digital Equipment Corporation approved, authorized, discussed or had knowledge or awareness of any treatment methods, equipment, devices or storage of any solid waste materials at the



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Facilities or were involved in any arrangement to dispose of solid waste from the Facilities.

22. *Indicate whether any reports or other communications discussing waste storage, treatment, or disposal practices at the Facilities were ever received by officers or directors of Digital Equipment Corporation. If your answer to this request is in the affirmative, indicate (i) when such reports were received, (ii) who the originator of such reports was, (iii) who such reports were directed to, and (iv) the content of such reports. If such reports are in your possession or control, submit copies of such reports to EPA.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). See response to Question 21.

23. *Describe the circumstances surrounding the dissolution of Digital Equipment Corporation de Puerto Rico, including in your answer the following:*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA Section 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico or Digital Equipment Corporation.

a. *the exact date of dissolution;*

Digital Equipment Corporation de Puerto Rico was dissolved on June 26, 1995 pursuant to an authorization of dissolution dated April 15, 1993. See HP's June 28, 2019 Response, Ex. 36.

b. *the names and addresses of any and all shareholders at the time of dissolution;*

See HP's June 28, 2019 Response Ex. 36.

c. *the value of all assets distributed to each shareholder as a result of the dissolution;*

The Certificate of Dissolution does not identify any assets to be distributed to shareholders. See HP's June 28, 2019 Response Ex. 36.

d. *the final disposition or distribution of all assets, liabilities, and shares of Digital Equipment Corporation de Puerto Rico;*

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The Certificate of Dissolution does not designate the final disposition or distribution of assets, liabilities or shares of Digital Equipment Corporation de Puerto Rico. See HP's June 28, 2019 Response Ex. 36.

- e. the identity of all parties to any transactions relating to or arising out of the dissolution; and*

HP is not aware of any transactions relating to or arising out of the dissolution of Digital Equipment Corporation de Puerto Rico. See HP's June 28, 2019 Response to request number 2.a and Ex. 36.

- f. the identity of all documents relating to the dissolution.*

See HP's June 28, 2019 Response to request number 2.a and Ex. 36.

24. *Identify the successor entity to which assets and liabilities of the dissolved Digital Equipment Corporation de Puerto Rico were transferred for the purpose of prosecuting and defending suits by or against Digital Equipment Corporation de Puerto Rico after its dissolution.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA Section 104(e). HP further objects to this request regarding its representation of Delaware corporate law regarding dissolution. HP is not aware of any successor entity to which assets and liabilities of Digital Equipment Corporation de Puerto Rico were transferred after the dissolution of Digital Equipment Corporation de Puerto Rico. In accordance with the dissolution procedures of Delaware corporate law, for three years following its dissolution, Digital Equipment Corporation de Puerto Rico remained subject to suit.

25. *Please provide all notices concerning the dissolution of Digital Equipment Corporation de Puerto Rico to persons with claims against the dissolved company, or such notices published in newspapers of general or national circulation.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA Section 104(e). HP has not identified any documents responsive to this request.

26. *Please provide all petitions and other court filings concerning the amount and form of security reasonably likely to provide compensation for any claim against Digital Equipment Corporation de Puerto Rico.*



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**Response:**

HP objects to this request as beyond the authority granted in CERCLA Section 104(e). HP has not identified any documents responsive to this request.

27. *Please provide all documents concerning any plan of distribution pursuant to which Digital Equipment Corporation or Digital Equipment Corporation de Puerto Rico paid or made provisions to pay claims and obligations.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA Section 104(e). HP has not identified any documents responsive to this request.

28. *Identify what, if any, reports, statements, or other documents the officers or directors of Digital Equipment Corporation wrote or received regarding the dissolution of Digital Equipment Corporation de Puerto Rico and describe what, if any, information the officers and directors received concerning the dissolution. Please provide copies of such reports, statements, or other documents.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). See HP's June 28, 2019 Response, request number 2.a and Ex. 36.

29. *Identify any employees, officers, or directors of Digital Equipment Corporation who participated in discussions or other communications regarding the decision to dissolve Digital Equipment Corporation de Puerto Rico.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). See response to Question 30.

30. *State whether any officers or directors of Digital Equipment Corporation approved, authorized, discussed, or had knowledge or awareness of the decision to dissolve Digital Equipment Corporation de Puerto Rico. Describe the nature and extent of such approval, authorization, discussion, knowledge, or awareness.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico or Digital Equipment Corporation. The Certificate of Dissolution identifies the officers and directors of Digital Equipment Corporation de Puerto Rico at the time of

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its dissolution. Some of these individuals may have been officers and directors of Digital Equipment Corporation.

31. *Describe any asset purchase agreements, whereby some or all of the assets of Digital Equipment Corporation de Puerto Rico were ever sold to any other entity, including the date(s), the companies involved, and the terms of such asset purchase agreement(s).*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). See HP's June 28, 2019 Response, request number 10 and Exs. 57 and 58. See also, HP's September 3, 2019 Response, Ex. 103.

32. *Provide a history (e.g., payment dates, amounts received, etc.) of dividends received by Digital Equipment Corporation from Digital Equipment Corporation de Puerto Rico resulting from Digital Equipment Corporation's ownership of capital stock in Digital Equipment Corporation de Puerto Rico.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has not identified any documents or information responsive to this request.

33. *Indicate whether Digital Equipment Corporation ever made any loan(s) to Digital Equipment Corporation de Puerto Rico. If so, provide complete information pertaining to all such loan(s), including copies of all loan documentation (i.e., loan agreements, promissory notes, guarantees, security agreements, financing statements, amortization/payment tables) and complete information pertaining to any assignment, extension, composition, restructuring, etc. of such loan(s). For the purposes of this request, "loan" shall include the establishment of a line of credit by Digital Equipment Corporation or any of its subsidiaries for the use and/or benefit of Digital Equipment Corporation de Puerto Rico, whether or not such line of credit has ever been drawn on.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has not identified any documents or information responsive to this request.

34. *Indicate whether Digital Equipment Corporation de Puerto ever made any loan(s) to Digital Equipment Corporation. If so, provide complete information pertaining to all such loan(s), including copies of all loan documentation (i.e., loan agreements, promissory notes, guarantees, security agreements, financing statements, amortization/payment tables) and complete information pertaining to any assignment, extension, composition, restructuring, etc. of such loan(s). For the purposes of this request, "loan" shall include the establishment of a line of credit by Digital Equipment*



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*Corporation de Puerto Rico for the use and/or benefit of Digital Equipment Corporation, whether or not such line of credit has ever been drawn on.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has not identified any documents or information responsive to this request.

35. *Indicate whether Digital Equipment Corporation ever acted directly or indirectly to guarantee any loan made to Digital Equipment Corporation de Puerto Rico. If so, provide complete information regarding such arrangement, including copies of all documents pertaining to such arrangement.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has not identified any documents or information indicating that Digital Equipment Corporation ever guaranteed any loan made to Digital Equipment Corporation de Puerto Rico. As indicated by documents included in **Ex. 6**, Digital Equipment Corporation de Puerto Rico demonstrated financial assurance through a parent company guarantee and financial test in 1985, 1986, and 1990 and potentially other years.

36. *Indicate whether Digital Equipment Corporation ever acted directly or indirectly to guarantee any lease entered into by Digital Equipment Corporation de Puerto Rico. If so, provide complete information regarding such arrangement, including copies of all documents pertaining to such arrangement.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico. See HP's June 28, 2019 Response, Ex. 51.

37. *Indicate whether any of the employees, officers, and/or directors of Digital Equipment Corporation de Puerto participated in any manner in any savings programs, employee stock ownership plans, pension plans, deferred compensation or other arrangements offered or sponsored by Digital Equipment Corporation or any of its subsidiaries. If so, explain in detail.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has conducted a reasonably diligent search of the names listed in Attachment C to the Supplement Request. However, as noted in response to Question 17, without additional information, HP is unable to determine if it has any records regarding these individuals.

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In addition, HP does not have a list of the names of the employees, officers and/or directors of Digital Equipment Corporation de Puerto Rico nor is HP knowledgeable about the savings programs, employee stock ownership plans, deferred compensation plans, and other employee benefits programs offered by Digital Equipment Corporation. If EPA can provide the names of the employees, officers and/or directors of Digital Equipment Corporation de Puerto Rico and other information unique to these individuals HP will search its records to determine if any of these individuals are currently receiving pension payments.

38. *Indicate whether Digital Equipment Corporation de Puerto Rico was required to, or received, Digital Equipment Corporation's approval or concurrence or the concurrence of any of Digital Equipment Corporation's subsidiaries when making expenditures. If so, explain in detail.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has not identified any documents or information responsive to this request.

39. *Indicate whether Digital Equipment Corporation or any of Digital Equipment Corporation's subsidiaries paid for goods and services on behalf of Digital Equipment Corporation de Puerto Rico. If so, explain in detail.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has not identified any documents or information responsive to this request.

40. *Indicate whether Digital Equipment Corporation de Puerto Rico's employees were ever employed by Digital Equipment Corporation. If so, provide each such employee's name, job title, and dates of employment.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico or Digital Equipment Corporation. According to the affidavit of Sam Landol, Digital Equipment Corporation de Puerto Rico was the sole employer of the named plaintiffs in the *Morales* case. See HP's June 28, 2019 Response Ex. 38.

41. *Indicate whether Digital Equipment Corporation de Puerto Rico and Digital Equipment Corporation had common officers or directors. If so, provide the names and dates of service of such directors.*



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**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico or Digital Equipment Corporation. The names of the officers and directors of Digital Equipment Corporation and Digital Equipment Corporation de Puerto Rico for certain years during the period of 1969 to 1983 are included in Exs. 3 and 4 of HP's June 28, 2019 response.

42. *Indicate whether any materials, including hazardous substances, hazardous wastes, and/or industrial wastes, were ever transported between the Facility located at Road 362 KM 1.0 in San German, Puerto Rico 00639 and any of the buildings or lots located in the Retiro Industrial Park in San German, Puerto Rico 00639.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico. See responses to Questions 18, 19, 20, 21, and 22 and the response of PRIDCO to EPA's 2015 information request.

43. *Exhibit 02 of HP Inc.'s July 29, 2019 supplemental response to EPA's September 16, 2015 information request references "a spill of Sulfuric Acid Technical grade at the Digital's Building #6 stock room 186 area." Please identify and describe the location of the Building #6 stock room 186 area. Please identify all hazardous substances, hazardous wastes, and/or industrial wastes stored in the aforementioned Building #6. Provide any supporting documentation relevant to this request.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico. The RCRA Facility Assessment Report, enclosed as **Ex. 7**, includes in Exhibit 18 a figure of Building 6 depicting the area of the spill. HP has not located a comprehensive list of materials stored in the Building 6, but the document enclosed as **Ex. 8** under "Industrial Hygiene/Safety, Building 6 – Chemical Storage" indicates that the following materials were stored in Building 6: sodium hydro sulfite; butyl cellosolve, cardboard boxes, hydrogen peroxide and nitric acid.

44. *An October 1990 RCRA Facility Assessment Report was submitted as Exhibit 002 to HP Inc.'s June 28, 2019 supplemental response to EPA's March 28, 2019 information request regarding the PROTECO Site. Please respond to the following requests regarding that report:*

- a. *Provide all appendices and exhibits referenced in the report;*

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- b. *Provide copies of manifests or other documentation of the shipment of spent solvents to Safety Kleen Envirosystems for disposal (see HP-000023); and*
- c. *Identify and describe the location (and provide a map if such exists) of each of the following:*
  - i. *The original Hazardous Waste Container Storage Area (see HP000008);*
  - ii. *The Container Storage Area rehabilitated in 1987 for solely storage of ignitable wastes (see HP000008);*
  - iii. *The Wastewater Treatment Plant (see HP000008);*
  - iv. *The four underground tanks used for the storage of diesel (see HP000008);*
  - v. *The storage area with a capacity to hold 95 fifty-five gallon drums (see HP-000010);*
  - vi. *The Board Shop (see HP-000010); and*
  - vii. *The eight identified Solid Waste Management Units (see HP-000026).*

**Response:**

The full RCRA Facility Assessment (“RFA”) report with appendices is included as **Ex. 7**. The manifests for the shipments to Safety Kleen have not been located. The RFA report discusses the various solid waste management units at the Rt. 362 Facility and the location of these units.

45. *According to the October 1990 RCRA Facility Assessment Report, Digital Equipment Corporation and/or Digital Equipment Corporation de Puerto Rico installed a series of trenches and a collection well in or around November 1983 to control seepage from the discharge of process water from the Board Shop (see HP-000010). Please indicate the location of the trenches and whether the trenches were lined and identify the ultimate destination of the process water.*

**Response:**

HP has no personal knowledge of the historical operations of Digital Equipment Corporation de Puerto Rico. As noted in the response to Question 8, following the cessation of operations of Digital Equipment Corporation de Puerto Rico, Digital Equipment Corporation honored its contractual indemnification obligations to DY-4 and PRIDCO at the Rt. 362 Facility and continued the remedial investigation and remedial



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actions at the Rt. 362 Facility under the direction of the EQB and with input from the EPA. The Rt. 362 Facility has been the subject of comprehensive remedial investigations and remedial actions. Additional information and reports are available from EQB. The Rt. 362 Facility is located approximately 2 miles from the Retiro Industrial Park.

46. *For each of the following spills identified in the October 1990 RCRA Facility Assessment Report, indicate (i) the date the spill occurred, (ii) the location (e.g., building or lot number) of the spill, (iii) the name or type of substance spilled, (iv) the volume of substance spilled, (v) whether monitoring was implemented as a result of the spill; and (vi) whether a remedial action was implemented in response to the spill:*

- a. *The spill of process water through the board shop floor to the underlying soils (see HP-000010);*
- b. *The spill of diesel that occurred when a pipeline from the underground storage tanks connected to an aboveground storage tank broke down (see HP-000010);*
- c. *The spill of wastewater at the process waste treatment plant (see HP-000013);*
- d. *The spill of concentrated sulphuric acid on the floor at the building no. 2 exterior loading/unloading chemical ramps platform area (see HP-000014-HP000015);*
- e. *The spill of spent etcher solution (see HP-000015);*
- f. *The spill of sulphuric acid from DEC's Building #6 stock room 186 area (see HP-000016);*
- g. *The accidental spillage of ammoniacal/copper bearing solution that occurred at Road #362 intersection 119 (see HP-000016); and*
- h. *Any other spill or release of hazardous substances at the Facilities.*

**Response:**

See Response to Question 45.

47. *According to the October 1990 RCRA Facility Assessment Report, Digital Equipment Corporation and/or Digital Equipment Corporation de Puerto Rico established a monitoring sampling program that included a bimonthly sampling of DEC well #3 and a weekly sampling of the collection well. (See HP-000011). Please identify the locations of DEC well #3 and the collection well. Indicate whether parameters other than copper, nickel, chromium, and lead were monitored, and, if so, identify the parameters.*

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**Response:**

See Response to Question 45.

48. *According to EPA records, Digital Equipment Corporation and/or Digital Equipment Corporation de Puerto Rico sold facility equipment from the facility located at or near KM 1.0 Road 362 San German, PR to an entity by the name of Circo Caribe and/or Circo Craft in January 1993. Please submit all documents relating to the Circo Caribe and/or Circo Craft transaction, including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation. Identify the liabilities retained by Digital Equipment Corporation and/or Digital Equipment Corporation de Puerto Rico pursuant to this transaction. Explain whether those liabilities were subsequently transferred or assigned.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP further objects to this request as it is premised on inaccurate information. Digital Equipment Corporation and/or Digital Equipment Corporation de Puerto Rico did not sell facility equipment from the Rt. 362 Facility to Circo Caribe and/or Circo Craft in January 1993. On October 16, 1992, Digital Equipment Corporation and Digital Equipment Corporation de Puerto Rico entered into an Agreement for the Purchase and Sale of Machinery and Equipment with DY-4. The Agreement for the Purchase and Sale of Machinery and Equipment with DY-4 was provided to EPA in HP's June 28 Response, Ex. 57. A discussion of the liabilities retained by Digital Equipment Corporation pursuant to the Agreement for the Purchase and Sale of Machinery and Equipment with DY-4 was previously provided to EPA in HP's September 3, 2019 Response (pages 5-6). See also response to Question 19 and **Ex. 9**. The indemnification obligations of Digital Equipment under the Agreement for the Purchase and Sale of Machinery and Equipment with DY-4 pertain only to the Rt. 362 Facility.

49. *According to records filed at the Puerto Rico Secretary of State, Digital Equipment Corporation and Digital Equipment Corporation de Puerto Rico had an agreement governing the treatment of research and engineering expenses for the purposes of financial statements. Please describe that agreement and provide supporting documentation.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP further objects to this request in that it describes records that EPA has not shared with HP and of which HP has no knowledge. HP has not located any responsive information.



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50. *According to records filed at the Puerto Rico Secretary of State, \$209,755,000 in inventory purchases between the Digital Equipment Corporation and Digital Equipment Corporation took place in 1990. Please describe what inventory purchases occurred between Digital Equipment Corporation and Digital Equipment Corporation de Puerto Rico and provide supporting documentation. Describe what happened to Digital Equipment Corporation de Puerto Rico's remaining inventory prior to its dissolution being authorized in 1993. Describe what happened to Digital Equipment Corporation de Puerto Rico's remaining inventory after its dissolution was authorized and prior to the time that it was dissolved in 1995.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP further objects to this request in that it describes records that EPA has not shared with HP and of which HP has no knowledge. HP has not located any responsive information.

51. *According to records filed at the Puerto Rico Secretary of State, prior to 1988, Digital Equipment Corporation de Puerto Rico elected aid accounted for income under the cost sharing method provided by Section 936(h) of the Internal Revenue Code. During 1988, Digital Equipment Corporation de Puerto Rico elected to change its method of determining income under Section 936(h) from the cost sharing method to the profit split method to better reflect the allocation of income between Digital Equipment Corporation de Puerto Rico and Digital Equipment Corporation. Please explain Digital Equipment Corporation de Puerto Rico's use of the cost sharing method and the profit split method as well as its election to change methods in 1988. Explain the aforementioned allocation of income between Digital Equipment Corporation de Puerto Rico and Digital Equipment Corporation.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP further objects to this request in that it describes records that EPA has not shared with HP and of which HP has no knowledge. HP has not located any responsive information.

52. *Please provide all documents, including court filings, affidavits, interview transcripts, deposition transcripts, settlement agreements, and other records related to the U. S. Internal Revenue Service's investigation concerning alleged improper use by Digital Equipment Corporation of the Caribbean tax exemption under Section 936 of the Internal Revenue Code, 26 U.S.C. § 936, or related tax regulations.*

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**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP further objects to this request in that it describes records that EPA has not shared with HP and of which HP has no knowledge. HP has not located any responsive information.

53. *Please provide all documents concerning products sold or transferred through intercompany transactions between Digital Equipment Corporation and Digital Equipment Corporation de Puerto Rico, and between Digital Equipment Corporation and any other affiliated company provided in your answer to Requests #1 and #2, above. Include in your answer all information and materials concerning the value of such goods and the price paid by Digital Equipment Corporation for such goods.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP further objects to this request in that the reference to Requests #1 and #2 in the request is unclear and ambiguous. HP has not located any responsive information.

54. *According to records filed at the Puerto Rico Secretary of State, as of June 27, 1981, Digital Equipment Corporation de Puerto Rico was owed a long-term note receivable from Digital Equipment Corporation in the amount of \$80,000,000, which was to be repaid in payments of \$3,250,000 due each year through 1992, with the remaining balance due in 1993. In a financial statement for 1982, the amount listed under notes receivable was \$76,750,000. In a financial statement for 1983, the amount listed under notes receivable was "—" (i.e., it was left blank). Please describe the circumstances that occurred between 1982 and 1983 that resulted in the elimination or nondisclosure of notes receivable from Digital Equipment Corporation on Digital Equipment Corporation de Puerto Rico's 1983 financial statement.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP further objects to this request in that it describes records that EPA has not shared with HP and of which HP has no knowledge. HP has not located any responsive information.

55. *According to records filed at the Puerto Rico Secretary of State, as of June 30, 1990, Digital Equipment Corporation de Puerto Rico was owed \$52,891,000 from affiliates. In a financial statement for 1991, the amount listed under due from affiliates was \$5,481,000. Please describe the circumstances that occurred between 1990 and 1991 that resulted in the reduction of the amount due from affiliates on the 1991 financial statement. Indicate whether Digital Equipment Corporation de Puerto Rico was owed any money from affiliates at the time its dissolution was authorized in 1993. Indicate*



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*whether Digital Equipment Corporation de Puerto Rico was owed any money from affiliates at the time it was dissolved in 1995.*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP further objects to this request in that it describes records that EPA has not shared with HP and of which HP has no knowledge. HP has not located any responsive information.

56. *According to records filed at the Puerto Rico Secretary of State, Digital Equipment Corporation (Puerto Rico Branch) paid \$120,751,000, \$91,119,000, and \$62,466,000 in total rental expense for leases (principally for leased regional sales offices and manufacturing space) for the fiscal years that ended on July 3, 1982, June 27, 1981, and June 30, 1979, respectively. Identify the leases for which Digital Equipment Corporation (Puerto Rico Branch) paid these rental expenses. Identify in detail (building/lot numbers) the locations in Puerto Rico leased by Digital Equipment Corporation (Puerto Rico Branch).*

**Response:**

HP objects to this request as beyond the authority granted in CERCLA 104(e). HP further objects to this request in that it describes records that EPA has not shared with HP and of which HP has no knowledge. HP has not located any responsive information regarding lease payments. As indicated in response to Question 6, Digital Equipment Corporation maintained a sales office in or near San Juan, Puerto Rico. HP has not identified any information on the building or lot numbers for the San Juan sales office.

57. *Please provide all documents, if not already requested above, that support your responses to Requests #1 - #56, above.*

**Response:**

Documents representative of communications involving the individuals identified in the response to Question 20 are enclosed as **Ex. 10**. For documents previously provided to EPA, we have provided references to those documents. Our privilege log is enclosed as **Ex. 11**.

58. *If you have reason to believe that there may be persons able to provide a more detailed or complete response to any request contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.*

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**Response:**

Potentially responsive information may be available from the following: testimony, affidavits, decisions or other documents related to the *Morales* case; documents maintained by the Computer History Museum; and documents maintained by PRIDCO. General Electric may have additional information related to operations and releases in the vicinity of the Site.

*59. State the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this Request for Information. In addition, state whether this person has personal knowledge of the information in the answers provided.*

**Response:**

This response was prepared by Fox Rothschild, counsel for HP. Searches for responsive documents were supervised by HP's Office of General Counsel and its Environmental, Health & Safety Department. None of the individuals involved have personal knowledge of the historical operations of Digital Equipment Corporation or Digital Equipment Corporation de Puerto Rico.

The documents referenced in this Response may be accessed through Fox Rothschild's KiteWorks FTP site. You will receive an invitation to this site via email. Please let us know if you have any trouble accessing the documents.

Sincerely,



Karen H. Davis

KHD/stj

Attachments: Index of Documents

Cc: Jenny McClister  
Christopher M. Dirscherl  
Christopher M. Roe